

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**CITATION HOME BUILDERS, LLC, and  
LARRY L. MILLER,**

Plaintiffs,

vs.

**LIBERTY MUTUAL INSURANCE  
COMPANY, and PEERLESS INDEMNITY  
INSURANCE COMPANY,**

Defendants.

**8:21CV404**

**SECOND AMENDED  
CASE PROGRESSION ORDER**

This matter is before the on the Plaintiffs' Motion to Continue Certain Deadlines and/or Amend the Progression Order ([Filing No. 44](#)). After a review of the motion, the Court finds good cause to grant the requested extensions. Accordingly,

**IT IS ORDERED** that the Plaintiffs' Motion to Continue Certain Deadlines and/or Amend the Progression Order ([Filing No. 44](#)) is granted, and the amended case progression order is amended as follows:

- 1) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiffs:	<b>March 1, 2023</b>
For the defendants:	<b>May 1, 2023</b>

- 2) The deadlines for completing expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiffs:	<b>April 3, 2023</b>
For the defendants:	<b>June 1, 2023</b>

- 3) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **August 1, 2023**. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is **eight (8)**.

- 4) The planning conference scheduled for June 1, 2023, is cancelled. The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **August 2, 2023**, at **11:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.

- 5) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **September 14, 2023**.
- 6) The deadline for filing motions to dismiss and motions for summary judgment is **September 14, 2023**.
- 7) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 8) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 31<sup>st</sup> day of March, 2023.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge